

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

TYRONE THIGPEN,

Plaintiff,

v.

JOHN FIORELLO and MICHELE KRUEGER,

Defendants.

ORDER

12-cv-318-slc

In response to this court's May 3, 2012, order, plaintiff has submitted a copy of his trust fund account statement so that I can determine whether he qualifies for indigent status and, if he does, calculate an initial partial payment of the \$350 fee for filing this case. Plaintiff states in the cover letter to his submission that he has only been in custody of the Wisconsin Department of Corrections since April 8, 2012. From the trust fund account statement plaintiff has submitted, I calculate his initial partial payment to be \$69.16. Plaintiff should show a copy of this order to jail officials to insure that they are aware they should send plaintiff's initial partial payment to this court.

Once plaintiff pays the amount I have determined he is able to prepay, that is just the first step in obtaining leave to proceed *in forma pauperis* under 28 U.S.C. § 1915. After the court receives his payments, the court will take plaintiff's complaint under advisement for a determination under § 1915(e)(2) whether his action or any portion of it must be dismissed as frivolous or malicious, for failure to state a claim on which relief may be granted or because plaintiff seeks monetary relief against a defendant who is immune from such relief.

ORDER

IT IS ORDERED that plaintiff Tyrone Thigpen is assessed \$69.16 as an initial partial payment of the \$350 fee for filing this case. He is to submit a check or money order made payable to the clerk of court in the amount of \$69.16 on or before June 11, 2012. If, by June 11, 2012, plaintiff fails to make the initial partial payment or show cause for his failure to do so, he will be held to have withdrawn this action voluntarily. In that event, the clerk of court is directed to close this file without prejudice to plaintiff's filing his case at a later date.

Entered this 21st day of May, 2012.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge